

Lausteveion Johnson,  
Plaintiff  
v.  
Lewis, et al.  
Defendants

## Order Denying Motions to Consolidate

[also filed in 2:17-cv-1671-APG-VCF  
ECF Nos. 32, 33, 34]

Rule 42 of the Federal Rules of Civil Procedure allows courts to consolidate matters that involve a common question of law or fact. And “[d]istrict courts enjoy substantial discretion in deciding whether and to what extent to consolidate cases.”<sup>4</sup> When exercising its broad

<sup>4</sup> *Hall v. Hall*, 138 S. Ct. 1118, 1131 (2018).

1 discretion, the court must “weigh the saving of time and effort consolidation would produce  
2 against any inconvenience, delay, or expense that it would cause.”<sup>5</sup>

3 Although the common questions in Johnson’s cases permit the court to consolidate them  
4 under Rule 42, I find that the differences between the cases and their procedural postures weigh  
5 against consolidation. Johnson’s second-filed case contains claims against additional defendants  
6 Dreesen, Barrit, and Knatz and adds a medical-needs component that is not present in the first-  
7 filed action. And the procedural postures are markedly different. Discovery in this case expired  
8 on May 17, 2019, but some defendants have moved to further extend it.<sup>6</sup> Discovery in the  
9 second-filed case has not yet begun because no scheduling order has been entered. I find that  
10 these differences and the likely confusion of issues, claims, and parties that consolidation will  
11 cause outweighs any benefit that the parties could hope to gain by consolidating these cases.

12 Accordingly, IT IS HEREBY ORDERED that the motions to consolidate [ECF Nos. 26,  
13 27, 29] in this case (and ECF Nos. 32, 33, 34 in 2:17-cv-1671-APG-VCF) are **DENIED**.

14 And because defendants’ motion for a case-management conference was filed “to address  
15 numerous issues raised by Plaintiff’s consolidation requests,” which the court has now denied, IT  
16 IS FURTHER ORDERED that the motion for case-management conference [ECF No. 32] is  
17 **DENIED as moot**.

18 Dated: May 20, 2019

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U.S. District Judge Jennifer A. Dorsey

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23 <sup>5</sup> *Huene v. United States*, 743 F.2d 703, 704 (9th Cir. 1984).

<sup>6</sup> ECF No. 38.